

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Greg Finch	Team: Squad #14	CCRB Case #: 201608620	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 10/13/2016 6:10 AM	Location of Incident: [REDACTED]	Precinct: 114	18 Mo. SOL 4/13/2018	EO SOL 4/13/2018	
Date/Time CV Reported Thu, 10/13/2016 12:35 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 10/13/2016 12:35 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Genaro Barreiro	00308	950050	WARRSEC
2. DT3 Daniel Castillo	212	945566	WARRSEC
3. POM Daniel Golat	09913	950506	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Daniel Castillo	Abuse: Detective Daniel Castillo entered § 87(2)(b) § 87(2)(b) in Queens.	[REDACTED]
B.POM Daniel Golat	Abuse: Police Officer Daniel Golat entered § 87(2)(b) § 87(2)(b) in Queens.	[REDACTED]
C.POM Genaro Barreiro	Abuse: Police Officer Genaro Barreiro entered § 87(2)(b) § 87(2)(b) in Queens.	[REDACTED]
D.DT3 Daniel Castillo	Abuse: Detective Daniel Castillo searched § 87(2)(b) § 87(2)(b) in Queens.	[REDACTED]
E.POM Daniel Golat	Abuse: Police Officer Daniel Golat searched § 87(2)(b) § 87(2)(b) in Queens.	[REDACTED]
F.DT3 Daniel Castillo	Abuse: Detective Daniel Castillo refused to provide his name and shield number to § 87(2)(b)	[REDACTED]
G.POM Daniel Golat	Abuse: Police Officer Daniel Golat refused to provide his name and shield number to § 87(2)(b)	[REDACTED]

### Case Summary

On October 13, 2016, § 87(2)(b) filed a complaint via telephone with the CCRB.

On October 13, 2016, at approximately 6:10 a.m. Detective Daniel Castillo, Police Officer Daniel Golat and Police Officer Genaro Barreiro of Staten Island Warrant Squad travelled to § 87(2)(b) in Queens in relation to a bench warrant for § 87(2)(b). Officers knocked on the front door of the building and § 87(2)(b) answered the door and invited officers inside (**Allegations A, B and C**). § 87(2)(b) and officers entered the residence and walked to the § 87(2)(b) apartment. Det. Castillo and PO Golat interviewed § 87(2)(b)'s two uncles, § 87(2)(b) and § 87(2)(b). Det. Castillo and PO Golat allegedly searched the § 87(2)(b) apartment to negative results (**Allegations D and E**). As officers left the building, § 87(2)(b) spoke with officers and allegedly asked for their names and shield numbers. Det. Castillo and PO Golat allegedly refused to provide their name and shield numbers to § 87(2)(b) (**Allegations F and G**). PO Barreiro provided § 87(2)(b) with his card, and officers left the building (BR 01).

No video footage was available for this incident.

§ 87(2)(g)

### Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- As of December 20, 2016, there has been no Notice of Claim filed with the NYC Comptroller's office regarding this incident (BR 02).
- § 87(2)(b) and § 87(2)(b) have no prior arrests in BADS, and without a NYSID number the undersigned investigator could not perform searches for previous convictions in the Office of Court Administration database (BR 03; BR 04)

### Civilian and Officer CCRB Histories

- None of the civilians have any prior CCRB complaints (BR 05; BR 06; BR 17; BR 18).
- Det. Castillo has been a member of the NYPD for eight years and has four prior complaints with nine allegations (see officer history).
  - In case #201403223, the Board substantiated premises entered and searched and property damaged allegations, and recommended Command Discipline A. The NYPD penalty was Command Discipline A.
  - In case #201502519, the Board substantiated a premises entered and searched allegation, and recommended Command Discipline B. CTS did not contain the NYPD disposition.
- PO Golat has been a member of the NYPD for five years and has five prior complaints with thirteen allegations (see officer history). § 87(2)(g)
- PO Barreiro has been a member of the NYPD for five years and has nine prior complaints with twenty allegations (see officer history). § 87(2)(g)

### Findings and Recommendations

**Allegation A – Abuse of Authority: Detective Daniel Castillo entered § 87(2)(b) in Queens.**

**Allegation B – Abuse of Authority: Police Officer Daniel Golat entered § 87(2)(b) in Queens.**

**Allegation C – Abuse of Authority: Police Officer Genaro Barreiro entered § 87(2)(b) in Queens.**

**Allegation A – Abuse of Authority: Detective Daniel Castillo searched § 87(2)(b) in Queens.**

**Allegation B – Abuse of Authority: Police Officer Daniel Golat searched § 87(2)(b) in Queens.**

It is undisputed that § 87(2)(b) granted consent for officers to enter § 87(2)(b) in Queens. It is undisputed that PO Golat searched § 87(2)(b) in Queens.

According to § 87(2)(b) he was sleeping in the basement apartment of § 87(2)(b) when he woke up to banging on the front door (BR 07). § 87(2)(b) went upstairs to the first floor and saw two flashlights through the stained glass front door to the building. § 87(2)(b) opened the front door and heard an officer say, “We have contact.” § 87(2)(b) saw PO Barreiro and PO Golat standing in front of the doorway. PO Barreiro stepped through the doorway threshold and stood beside § 87(2)(b). PO Barreiro and PO Golat asked § 87(2)(b) if he knew § 87(2)(b) and showed § 87(2)(b) a Bench Warrant for a black male named § 87(2)(b). § 87(2)(b) said he did not, and PO Barreiro and PO Golat continued to question § 87(2)(b). § 87(2)(b) asked the officers if he could step outside and walked outside to the front lawn. PO Golat and PO Barreiro followed § 87(2)(b) to the lawn and the building front door remained open. § 87(2)(b) took his phone out to call § 87(2)(b). PO Barreiro said to § 87(2)(b) “Oh, you’re calling someone?” and took § 87(2)(b)’s phone. § 87(2)(b) said, “Why’d you take my phone?” PO Golat and Det. Castillo asked § 87(2)(b) who lived in the house, and § 87(2)(b) said that his uncles § 87(2)(b) and § 87(2)(b) were on the § 87(2)(b). § 87(2)(b) walked back through the doorway to enter the building lobby, followed by the three officers. § 87(2)(b) tried to call § 87(2)(b)’s phone, and PO Barreiro let the call ring out and returned the phone to § 87(2)(b). § 87(2)(b) walked to the § 87(2)(b) apartment door with the officers. § 87(2)(b) entered the § 87(2)(b) apartment and told his uncles, “There’s people here, I don’t know who they are.” § 87(2)(b) at this point still did not know that PO Barreiro, PO Golat and Det. Castillo were police officers as they hadn’t identified themselves. PO Barreiro, PO Golat and Det. Castillo entered the § 87(2)(b) apartment, asked § 87(2)(b)’s two uncles for ID and asked all three family members repeatedly about § 87(2)(b)’s whereabouts. Det. Castillo walked around the apartment with his flashlight, opening doors and closets and entering every room in the apartment. PO Barreiro and PO Golat stayed with § 87(2)(b) and his uncles and continued to question them while Det. Castillo searched the apartment.

According to § 87(2)(b) and § 87(2)(b) they did not witness the initial entry of officers into the building or the apartment (BR 08; BR 09; BR 10). § 87(2)(b) later learned that § 87(2)(b) allowed officers to enter the building. § 87(2)(b) saw PO Golat search a closet in one of the § 87(2)(b) bedrooms. § 87(2)(b) and § 87(2)(b) did not give consent for any officer to enter or search the § 87(2)(b) apartment.

According to Det. Castillo, he travelled with PO Golat and PO Barreiro to § 87(2)(b) in Queens in relation to PO Barreiro’s open case with a warrant for § 87(2)(b) (BR 11). PO Barreiro obtained the § 87(2)(b) address through a computer search. Det. Castillo did not know what database PO Barreiro searched. Officers knocked on the

front door of § 87(2)(b) for about twenty minutes. § 87(2)(b) opened the door, and officers displayed the warrant for § 87(2)(b) and asked if § 87(2)(b) lived in the building. § 87(2)(b) said no. Officers asked if to speak with the homeowners, and § 87(2)(b) provided consent for officers to enter the building by saying, “Yes, my uncle’s upstairs,” and led the officers into the building, up the stairwell and into the § 87(2)(b) apartment. § 87(2)(b) led officers upstairs to speak with his uncles on the § 87(2)(b) apartment through the already-open § 87(2)(b) apartment door. Det. Castillo interviewed § 87(2)(b) and § 87(2)(b) and presented them with § 87(2)(b) s photo, and they told Det. Castillo that they did not know him. Det. Castillo asked if officers could search the apartment, and § 87(2)(b) agreed. PO Golat entered a bedroom and searched one closet, and Det. Castillo motioned to PO Golat to stop searching. After his conversation with § 87(2)(b) Det. Castillo was satisfied that § 87(2)(b) was not in the residence. Ten minutes after entering the § 87(2)(b) apartment, officers exited the § 87(2)(b) and began to leave the building. Det. Castillo did not search the § 87(2)(b) apartment. Det. Castillo described the Moores’ demeanor as cooperative up to this point of the incident.

PO Golat’s statement largely corroborated Det. Castillo’s statement (BR 12). When asked to describe § 87(2)(b) s demeanor at the front door, PO Golat said, “At first he seemed a little confused, but we assured him we weren’t here to hurt him or anything like that, and we explained and he was calm the rest of the way.” When officers asked if he was the homeowner, § 87(2)(b) said he was not the homeowner, but that the homeowner § 87(2)(b) was upstairs, specifically saying, “You can come in and speak with my uncle, it’s his house” while waving the officers into the building. Beyond § 87(2)(b) s bedroom and that bedroom closet, PO Golat entered no further bedrooms or searched further.

Consent to enter a home may be established by conduct, such as leaving a door open while walking away from it. People v. Brown, 234 A.D.2d 211, 213 (1<sup>st</sup> Dept. 1996) (BR 13). Once it is established a valid consent has been obtained the scope of the search cannot exceed the consent. The scope is generally determined by what a reasonable person would believe the consent to include. People v. Farrow, 642 N.Y.S.2d 473, 475 (Kings Co. Crim. Ct. 1996) (BR 14). Where searching officers rely in good faith on the apparent capability of an individual to consent to a search, and the circumstances reasonably indicate that the individual does, in fact, have the authority to consent, the search will be permissible. People v. Adams, 72 A.D.2d 156 (1981) (BR 16).

§ 87(2)(g)

As discussed earlier, it is undisputed that § 87(2)(b) granted consent for officers to enter the building and the § 87(2)(b) apartment. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)



§ 87(2)(b) met the officers on the second floor of the stairwell and yelled at them for wearing shoes in the house. Det. Castillo explained why officers were there and displayed § 87(2)(b) § 87(2)(b)'s warrant. § 87(2)(b) said to Det. Castillo, "I want your name and shield number." Det. Castillo said his name and shield number to § 87(2)(b) and gave § 87(2)(b) his card. Det. Castillo was unsure if § 87(2)(b) asked PO Golat and PO Barreiro for their names and shield numbers. Det. Castillo was unsure if PO Golat or PO Barreiro provided their card to § 87(2)(b).

PO Golat's statement largely corroborated Det. Castillo's statement with the following exceptions and additional information (BR 12). In the first floor building lobby, Det. Castillo and PO Barreiro left their identification with § 87(2)(b) and officers left the building. PO Golat did not recall § 87(2)(b) asking for any officer's name or shield number.

§ 87(2)(b), § 87(2)(g)

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Squad:

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date